

REMARKS

The last Office Action of April 13, 2006 has been carefully considered. Reconsideration of the instant application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-9 are pending in the application. Claims 1 and 6 have been amended. No claims have been canceled or added. An amendment to the specification has been made. No fee is due.

It is noted that the disclosure is objected to because of a typographic error. Applicant has now corrected this error.

Claims 1-9 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 6,394,780 to Hehl.

The rejection under 35 U.S.C. 102(b) is respectfully traversed.

Original claim 1 is directed to an injection unit having an injection stroke drive and a rotary drive, and sets forth that the rotary drive is accommodated in a housing shell by which the plasticizing barrel and the injection stroke drive are interconnected and supported on a linear guide. In effect, as also clearly shown in Figs. 1 and 2 of the disclosure, both the rotary drive as well as the injection stroke drive are accommodated in the housing shell. In order to be clear on this point, applicant has amended claim 1 by adding the word "jointly" to unambiguously set forth that the housing shell accommodates both the rotary drive and the injection stroke drive. The amendment to claim 1 is considered cosmetic in nature, and applicant thus asserts that claim 1 has not been narrowed to trigger prosecution history estoppel.

The Hehl reference corresponds to German Pat. No. DE 198 31 482 C1 which was cited in the introductory part of the instant specification and, consequently, was considered when drafting the original claims. It is believed that claim 1 is clearly distinguishable over this reference for the following reasons.

Hehl describes an injection molding unit having a rotary drive R and an injection stroke drive E which are disposed on a supporting member 45 of an injection bridge 14 that slides on cylinders 27 and extends between a carrier block 10 and a supporting member 18. As set forth in col. 5, lines 6-8, *"Supporting member 18 and carrier block 10 together with the cylinders 27 form the rigid force frame"*. While this force frame of many individual components is intended to accomplish the same purpose as the common housing shell of the present invention, the Examiner, however, equates the part 16 in Hehl to the housing shell. Part 16, which as a matter of fact is used by Hehl to generally designate the injection unit, relates, as evidently interpreted by the Examiner, to a pipe which engages in recesses 61 between a threaded sleeve 16b and the supporting member 18 (col. 4, lines 56, 57). To equate the Hehl pipe with the housing shell of the present invention is ill-advised.

As stated above, the housing shell jointly accommodates the rotary drive and the injection stroke drive. This is clearly not the case in Hehl, in which the pipe accommodates only the linear displacement means 16a of the injection stroke drive. The rotary drive R and the injection stroke drive E are placed **outside** the pipe. This is true even when, for arguments sake, considering the pipe and the threaded sleeve together as a housing. In addition, pipe, with or without sleeve, fails to connect the plasticizing barrel and the injection stroke drive and to support these components.

For the reasons set forth above, it is applicant's contention that Hehl neither teaches nor suggests the features of the present invention, as recited in claim 1.

As for the rejection of the retained dependent claims, these claims depend on claim 1, share its presumably allowable features, and therefore it is respectfully submitted that these claims should also be allowed.

With respect to claim 6, applicant notes that claim 6 has been amended to merely correct a grammatical error. This amendment is cosmetic in nature and does not narrow the claim to trigger prosecution history estoppel

Withdrawal of the rejection of claims 1-9 under 35 U.S.C. §102(b) and allowance thereof are thus respectfully requested.

Applicant further submits a certified copy of the priority document under 35 U.S.C. §119(a)-(d).

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels that it might be helpful in advancing this case by calling the undersigned, applicant would greatly appreciate such a telephone interview.

Respectfully submitted,

By: 

Henry M. Feiereisen
Agent For Applicant
Reg. No: 31,084

Date: July 5, 2006
350 Fifth Avenue
Suite 4714
New York, N.Y. 10118
(212)244-5500
HMF:af